

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSMICHAEL SUBENKO,
PETITIONER,

v.

COMMONWEALTH OF MASSACHUSETTS,
BROCKTON DISTRICT ATTORNEY'S OFFICE,
RESPONDENTS,FILED
IN CLERKS OFFICE

2004 JAN -5 P 12:37

C.A. NO. 6
U.S. DISTRICT COURT
DISTRICT OF MASS.STATE OF MASSACHUSETTS,
COUNTY OF NORFOLK.AFFIDAVIT IN SUPPORT OF THE PLAINTIFF'S
MOTION FOR THE APPOINTMENT OF COUNSEL.MICHAEL SUBENKO, BEING DULY SWORN,
DEPOSES AND SAYS:

1. I AM THE PLAINTIFF IN THE ABOVE-ENTITLED CASE. I MAKE THIS AFFIDAVIT IN SUPPORT OF MY MOTION FOR THE APPOINTMENT OF COUNSEL.
2. THIS PETITION UNDER 28, U.S.C. § 2254, FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY, THE PETITION WAS DEPRIVED OF RIGHTS GUARANTEED TO HIM BY THE FIFTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION, AND OF THE MASSACHUSETTS CONSTITUTION, ACTS OF ALL THE DEFENDANTS / RESPONDANTS, SEPARATELY AND IN CONCERT, IN AGREEMENT AND CONSPIRACY WITH EACH OTHER AND ACTING UNDER COLOR OF LAW, IN THAT THE RESPONDENTS BY INITIATING CRIMINAL PROCEEDINGS AGAINST PETITIONER, CRUETHIRD WITHOUT PROBABLE CAUSE, WITH MALICE AND FOR THE SOLE PURPOSE OF IMPEDING, HINDERING, AND OBSTRUCTING OR DEFEATING -

SCANNED

DATE: 1/1/04

BY: [signature]

THE DUE COURSE OF JUSTICE, BOTH IN THIS ACTION AND IN STATE COURT, AND WITH PETITION RECEIVING A FAVORABLE DETERMINATION OF THE CRIMINAL COMPLAINT AGAINST HIM. HAVE CAUSED PETITION TO BE MALICIOUSLY PROSECUTED, AND HAVE DENIED PETITION THE EQUAL PROTECTION OF THE LAW AND CAUSED INJURY TO PETITION FOR LAWFULLY ENFORCING OR FOR ATTEMPTING TO ENFORCE HIS OWN RIGHTS.

3. THIS IS A COMPLEX CASE, BECAUSE IT CONTAINS SEVERAL DIFFERENT RESPONDANTS, EACH WITH LEGAL CLAIM INVOLVING A DIFFERENT SET OF RESPONDANTS.
4. THE CASE INVOLVES MEDICAL ISSUES AND MENTAL HEALTH ISSUES THAT WILL REQUIRE EXPERT TESTIMONY.
5. THE CASE WILL REQUIRE DISCOVERY OF DOCUMENTS AND DEPOSITIONS OF A NUMBER OF WITNESSES.
6. THE TESTIMONY WILL BE IN SHARP CONFLICT, SINCE PETITION ALLEGES THAT RESPONDANTS CONSPIRED TO OBSTRUCT JUSTICE.
7. THE PETITION HAS ONLY A HIGH SCHOOL EDUCATION AND HAS NO LEGAL-EDUCATION.
8. THE PETITION IS SERVING A SENTENCE IN PRISON. FOR THIS REASON HE HAS NO ACCESS TO THE OUTSIDE, AND HAS NO ABILITY TO INVESTIGATE THE FACTS IN THIS CASE, FOR EXAMPLE, BY LOCATING, INTERVIEWING THE STATE POLICES, AND OTHER LIFE... WITNESSES.

WHEREFORE, THE PETITION MOTION FOR THE APPOINTMENT OF COUNSEL SHOULD BE GRANTED:

NAME: Michael Subenko COMMITTEE: W-65867

MICHAEL SUBENKO,

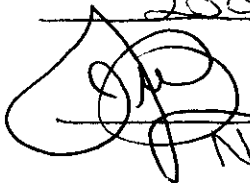
M.C.I., NORFOLK,

P.O. BOX, 43,

NORFOLK, MA, 02056-0043.

04-10023 GAO

SIGNED BEFORE ME THIS 17th DAY OF December 2003.

 William D. M. Russell
NOTARY PUBLIC.

PROOF OF SERVICE

MICHAEL A. SUBENKO, STATES UNDER THE PENALTY OF PERJURY THAT ON December 21st, 2003, HE MAILED A TRUE COPY OF FOREGOING ENCLOSED DOCUMENTS TO:

1. BROCKTON DISTRICT ATTORNEY OFFICE
CHIEF DISTRICT ATTORNEY, 32 BELMONT STREET, BROCKTON, MA, MA, 02301,
2. BROCKTON SUPERIOR COURT, OFFICE OF THE CLERK, 72 BELMONT STREET, BROCKTON, MA, 02301,
3. ATTORNEY GENERAL OFFICE, 90 CRIMINAL DIVISION, ONE ASHBURTON PLACE, 18th, BOSTON, MA, 02108

BY PLACING EACH IN AN ENVELOPE AND PLACED THEM IN THE LEGAL MAIL BOX, AT: M.C.I., NORFOLK, STATE PRISON.

Michael Subenko
MICHAEL SUBENKO-W65867,
M.C.I., NORFOLK,
P.O. BOX, 43,
NORFOLK, MA, 02056-0043.